TL 1443-20

UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/1037
26 July 1990

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

EAST TIMOR

Working paper prepared by the Secretariat

CONTENTS

		Paragraphs	Page
I.	GENERAL	1 - 2	2
II.	CONSIDERATION BY THE UNITED NATIONS	3 - 19	2
	A. General Assembly and other United Nations bodies	3 - 15	2
	B. Communications addressed to the Secretary-General	16 - 19	3
III.	POLITICAL DEVELOPMENTS	20 - 31	4
IV.	HUMAN RIGHTS SITUATION	32 - 34	5
V.	ECONOMIC AND SOCIAL CONDITIONS	35 - 40	8

EAST TIMOR

I. GENERAL

1. The island of Timor is located at the tip of the chain of islands forming the Republic of Indonesia. It lies between latitudes 8° 17'S and 10° 22'S and longitudes 123° 25'E and 127° 19'E. The Territory of East Timor comprises the eastern part of the island, the enclave of Oecusse Ambeno, the island of Ataúro off the northern coast and the island of Jaco off the extreme eastern tip.

2. The 1980 census recorded the total population of the Territory as 555,350. In 1990 it was estimated at 737,000. 1/

II. CONSIDERATION BY THE UNITED NATIONS 2/

A. General Assembly and other United Nations bodies

3. Between 1961 and 1982, the General Assembly annually reviewed the situation relating to East Timor and adopted resolutions thereon on the basis of the reports submitted to it by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. 3/

4. In April 1977 and each subsequent year, the Government of Portugal apprised the Secretary-General of the fact that owing to the conditions prevailing in East Timor it was not possible to transmit the information called for under Article 73 e of the Charter of the United Nations. 4/

5. By its resolution 37/30 of 23 November 1982, the General Assembly requested the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem, and to report thereon to the Assembly at its thirty-eighth session; and requested the Special Committee to keep the situation in the Territory under active consideration and to render all assistance to the Secretary-General in order to facilitate implementation of the resolution.

6. Since 1983, the Secretary-General has kept the General Assembly apprised of the related developments in exercise of his good offices. 5/ In his latest progress report, submitted to the General Assembly at its forty-fourth session, 6/ the Secretary-General stated that he had obtained the reaffirmation, from both Indonesia and Portugal, of their commitment to achieving a comprehensive and internationally accepted solution to the question of East Timor.

7. At its thirty-eighth to forty-fourth sessions, the General Assembly deferred consideration of the question to its succeeding sessions. 7/

8. During the general debate at the forty-fourth session of the General Assembly, the representatives of Brazil, France, Guinea-Bissau, Luxembourg, Mozambique,

Portugal, Sao Tome and Principe, Spain and Vanuatu referred, inter alia, to the question of East Timor in their statements (A/44/PV.4, 6, 8, 11, 13, 17, 25 and 28). A point of clarification was made by the representative of Portugal at the 9th meeting (A/44/PV.9).

9. On 27 September 1989, in his statement during the general debate at the forty-fourth session of the General Assembly, the Minister for Foreign Affairs of Portugal reiterated the position of his Government on the question of East Timor (A/44/PV.8).

10. At the following meeting, also on 27 September, the representative of Indonesia made a statement in exercise of the right of reply and reiterated the position of his Government in respect of East Timor (A/44/PV.9).

11. Under the mandate entrusted to it and renewed annually by the General Assembly, the Special Committee continued its review of the question at its 1983 to 1988 sessions and heard statements by representatives of Member States and petitioners concerning the situation in the Territory. 8/

12. At its 1989 session, the Special Committee considered the question of East Timor at its 1347th, 1352nd and 1353rd meetings, between 7 and 14 August 1989. During those meetings, the Special Committee heard statements by the representatives of Indonesia (A/AC.109/PV.1347 and 1353) and Portugal (A/AC.109/PV.1353); as well as 18 petitioners (A/AC.109/PV.1352 and 1353).

13. At its 1353rd meeting, on 14 August 1989, the Special Committee decided, without objection, to continue consideration of the item at its 1990 session, subject to any directives that the General Assembly might give in that connection at its forty-fourth session (A/AC.109/PV.1353).

14. Since the adoption of its resolution 1983/8 of 16 February 1983 relating to East Timor, 9/ the Commission on Human Rights has not considered the question of East Timor. At the 41st meeting of the forty-first session of the Commission, on 5 March 1985, the Chairman announced that that body had taken action in private session, under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, with regard, inter alia, to East Timor, and that the situation relating thereto was no longer under consideration by the Commission under the terms of that resolution. 10/

15. On 1 September 1988, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, by 10 votes to 9, with 5 abstentions, decided not to take any action on a draft resolution on East Timor. 11/

B. Communications addressed to the Secretary-General

16. In a letter dated 4 August 1989 addressed to the Chairman of the Special Committee (A/AC.109/1002), the Permanent Representative of Indonesia to the United Nations reiterated the position of his Government on the question and requested that his letter be circulated as an official document of the Special Committee.

17. On 14 August 1989, the Permanent Representative of Indonesia addressed a letter to the Chairman of the Special Committee (A/AC.109/1002/Add.1) reiterating the position of his Government on the question of East Timor and requesting that the letter be circulated as an official document of the Special Committee.

18. On 28 November 1989, the Permanent Representative of Portugal addressed a letter to the Secretary-General on the question of East Timor and requested that his letter be considered an official document of the General Assembly and of the Security Council (A/45/57-S/21022).

19. On 15 December 1989, the Permanent Representative of Portugal addressed a letter to the Secretary-General on the question of East Timor and requested that his letter be circulated as an official document of the General Assembly and of the Security Council (A/45/60-S/21028).

III. POLITICAL DEVELOPMENTS

20. Under Indonesian Law 7/76 promulgated on 17 July 1976, East Timor was designated as an Indonesian province or a "first level region". The law provided for the establishment of a "Regional Government" consisting of a "Regional Secretariat" and a "Regional House of Representatives". Most of the posts in these bodies were filled by local inhabitants. East Timorese also participate in the work of the National House of Representatives and in the People's Consultative Assembly of Indonesia. 12/

21. On 23 April 1987, general elections for the National Assembly were held in Indonesia. According to an official Indonesian report, there were 360,144 voters registered with the East Timor Elections Committee. Of the total, 338,078 (93.7 per cent) voted for the ruling Functional Group (GOLKAR). 13/

22. On 18 September 1987, Mr. Mario Carrascalão was sworn in for a second five-year term as "Governor" of East Timor by the Indonesian Minister for Home Affairs.

23. According to a press release issued by the Permanent Mission of Indonesia to the United Nations on 6 July 1990, two new battalions of the Indonesian armed forces recently replaced the six battalions deployed in the Territory previously. The two new battalions are to be "specifically assigned with civic missions to work with the local people in development projects such as agriculture, building of infrastructures in villages and building houses of worship". 14/

24. A recent report of the Department of State of the United States of America, affirms, however, that frequent military operations were conducted in the Territory where Frente Revolucionária de Timor Leste Independente (FRETILIN) rebels continued sporadic activities in low-level insurgencies. 15/

25. Pope John Paul II visited East Timor on 12 October 1989 during his 10-day journey to Asia. During his four-hour stay at Dili, the Pope celebrated an outdoor mass, at the end of which a mêlée broke out between anti-government demonstrators and police officers. 16/

26. In his homily to the East Timorese, Pope John Paul II said, inter alia:

"For many years now, you have experienced destruction and death as a result of conflict; you have known what it means to be victims of hatred and struggle. Many innocent people have died, while others have been prey to retaliation and revenge. For too long, you have been suffering a lack of stability which has rendered your future uncertain. This distressing situation causes economic difficulties which, in spite of some relief, still exist, preventing the development needed to alleviate the burden which still weighs hardly on the population. Respect for the rights which render life more human must be firmly ensured: the rights of individuals and the rights of families. I pray that those who have responsibility for life in East Timor will act with wisdom and good will towards all, as they search for a just and peaceful resolution of present difficulties in order to bring about a speedy improvement of conditions of life which will permit you to live in social harmony, according to your own traditions and requirements, in serene and fruitful productivity." 17/

27. According to a press report, the papal visit was reportedly criticized severely by human rights advocates who claimed that it could give de facto sanction to Indonesia's takeover and to human rights abuses against East Timorese. 18/

28. Portuguese government officials reportedly expressed confidence that the Pope would appeal for a peaceful and negotiated solution of the question of East Timor. However, some press reports indicated that the Portuguese Government had expressed concern to the Vatican that Indonesia would seek to portray the visit as representing papal recognition of its sovereignty over East Timor. 18/

29. For his part, Pope John Paul II sought to relieve such concerns by stating that his visit was purely pastoral and that he had a duty to the largely Catholic population of the Territory. The diocese that covers the Territory is administered directly from Rome. 18/

30. The Foreign Affairs Directorate for Information of Indonesia reported that a parliamentary delegation of the Federal Republic of Germany had visited East Timor in September 1989. 19/

31. The Ambassador of the United States of America to Indonesia, Mr. John Monjo, visited East Timor in January 1990. 20/

IV. HUMAN RIGHTS SITUATION

32. Below is a summary of observations relating to the human rights situation in East Timor, contained in Country Reports on Human Rights Practices for 1989, Indonesia, published by the United States Department of State: 21/

> Despite progress in some areas, including greater freedom of movement for Indonesians and foreigners to and within East Timor, as well as continued tolerance for ethnic, racial and religious differences, serious human rights

problems remain. These include periodic detentions of East Timorese suspected of being FRETILIN sympathizers, temporary disappearance of persons held for interrogation by security forces, harsh sentences meted out in several subversion trials, continued significant restrictions on freedom of the press and movement, and pervasive political controls which ensure continued military domination of the Government.

Cases of torture and mistreatment of criminal suspects, detainees and prisoners are reportedly frequent. Police treatment of detainees, even in minor incidents, often results in physical abuse. Several students detained in the wake of the Pope's visit to East Timor in October were reportedly beaten. East Timorese Bishop Belo and others allege mistreatment and torture by security forces in East Timor of persons detained on suspicion of aiding or sympathizing with the FRETILIN guerrillas, charges which are denied by officials. Rebels in East Timor reportedly harass and terrorize civilians from time to time.

Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes and corruption. However, forced or surreptitious entry by security agencies reportedly occurs regularly. Security agencies also conduct surveillance of persons and residences to intimidate. Correspondence generally is not monitored, although letter mail to and from East Timor may still be an exception.

The Constitution guarantees religious freedom. The Catholic Church operates freely in East Timor.

Restrictions on freedom of movement exist. Permits to seek work in a new location are required in certain areas. Beginning in January 1989, restrictions on movement to, from and within East Timor eased considerably under a policy of "normalizing" East Timor's status. None the less, frequent security checks affect virtually all transportation and travel in East Timor outside Dili. Curfews and other restrictions on movement are often in force at times of military operations in a given area. Family visits back to East Timor by East Timorese living in Australia began in 1988 and continued in 1989.

The Government considers outside investigations of alleged human rights violations to be interference in its internal affairs. Amnesty International has been refused access to Indonesia; Asia Watch visited Indonesia in 1988 and 1989. Access specifically to East Timor by representatives of such organizations - which the Government considers biased - has traditionally been restricted. However, Amnesty International and Asia Watch have not yet tested the new East Timor "normalization" policy, which appears to have eased those restrictions. Diplomats and some journalists are encouraged to visit East Timor.

The International Committee of the Red Cross (ICRC) is authorized by the Government to visit persons gaoled in connection with armed resistance in East Timor. One press report in 1989 suggested that many have not been visited despite the Government's pledge. ICRC provides medical and food aid to

prisoners and their families; carries out medical and nutritional surveys in villages in East Timor; and arranges family reunification in East Timor and abroad (mainly Portugal), as well as repatriation to Portugal of former Portuguese civil servants and their families in East Timor.

33. Summarized below are observations relating to human rights practices in East Timor, contained in a recent report issued by Amnesty International entitled East Timor: Short-term Detention and Ill Treatment: 20/

During the period from October 1989 to January 1990, some 25 East Timorese, most of them students, were detained for their alleged participation in a series of pro-independence demonstrations. Many of detainees were reportedly released after questioning, but a number were reported to have been ill-treated or tortured at the time of arrest and while in detention. It is believed that at least 10 remained in various military detention centres in December 1989, although military and government authorities denied that information.

Most of those detained were accused, either formally or informally, of association with FRETILIN. According to the report, nearly all reported political prisoners in East Timor over the past 14 years were similarly accused.

Describing the pattern of detention and ill-treatment, the same source indicates that it is only after being formally charged that political prisoners are transferred to regular prisons under civilian control, such as L.P. Becora in Dili. Before having been charged or tried, political prisoners are held at a District or Sub-district Military Command (KODIM or KORAMIL), or in other unofficial detention centres used by Indonesian military and intelligence authorities for unofficial incarceration and interrogation. Ill-treatment and torture of people held in military detention centres is reported to be frequent.

34. Summarized below are observations related to the human rights situation in East Timor, contained in an Asia Watch report entitled Human Rights in Indonesia and East Timor: An Update: 22/

The Indonesian presence, with tens of thousands of civil servants and security forces, tight restrictions on basic freedoms and widespread corruption, causes deep resentment of the population of East Timor. A series of arrests took place in East Timor in April, May and June 1989, and some 75 persons are believed to have been arrested in Dili, Lospalos, Manatuto, Baucau and Lachbar.

On 17 December 1989, a bipartisan group of 114 members of the United States House of Representatives wrote to the United States Secretary of State stating that they were "deeply disturbed" at reports of arrests following a 12 October 1989 demonstration at Dili during the visit to the Territory of Pope John Paul II. They said that the use of torture to extract confessions "would fall into a well established pattern in East Timor ... of mistreatment and abuse of detainees in the period immediately following arrest".

V. ECONOMIC AND SOCIAL CONDITIONS

35. In the absence of information under Article 73 e of the Charter, and for the reasons explained in paragraph 4, the information contained in this section has been derived from sources other than the Portuguese Government.

36. According to press releases issued by the Permanent Mission of Indonesia to the United Nations, 23/ the prevailing economic and social conditions in East Timor can be described as follows:

"Education was compulsory for children from 7 to 12 years of age."

"East Timor has managed to construct 565 school buildings with no less than 105,058 students."

"More than 50 per cent of the junior high school graduates in East Timor were accommodated in the senior high school in 1989."

"Senior high school as of the end of 1989 had [the] capacity to accommodate 3,910 new students."

"At the beginning of 1990 fiscal year, the management of [the] East Timor budget will be transferred fully to the local government level II (regencies)."

"Local government of East Timor in fiscal year 1988/89 procured 205,000 fish breeds for fishermen. This breeding procurement consists of 200,000 [fish] breeds from central government fund and the rest from sectoral fund."

"The production of fish in East Timor at the end of 1989 reached 702.95 tons, consisting of 39.95 tons of inland fish and 663 tons of sea fish."

"As of 31 March 1989, East Timor had 2,325 kilometres of roads and 19 bridges with a total length of 959 metres."

"In 1984, the plantation acreage was recorded at about 148,000 hectares, producing about 20,811 tons of commodities."

37. In 1989, the total plantation acreage in the Territory was estimated by Indonesian authorities to have increased to 164,867 hectares. Production data for individual commodities for 1989 were given as follows: coffee, 8,543 tons; coconut, 8,413 tons; kapok, 2,476 tons; nuts, 2,301 tons; candel nuts, 573 tons; tobacco, 249 tons; cloves, 8.3 tons; vanilla, 6.5 tons; pepper, 0.60 tons; and cocoa, 31.4 tons. 23/

38. According to the Indonesian Foreign Affairs Directorate for Information, "foreign funds amounting to $US 323,000 were spent for the development of clean water facilities and healthy environment in East Timor, or over 73 per cent of the total sum of $US 439,500 provided by the United Nations Development Programme (UNDP). That project was also financed with local funds amounting to $US 173,192 from the State budget. Implementation was focused on regencies having poor

facilities, such as Dili, Liquiça, Bobonaro and Ambeno, where the greater part of residents had to use impure water. The project also included training for local personnel and field workers in charge of providing information on a healthy environment and hygienic methods. Through that project, the infant mortality rate in the Territory was expected to drop from 90 to 60 per 1,000 births at the end of 1994". 24/

39. The Directorate, referring to an announcement made by Directorate-General of Tourism, reported that East Timor was available for tourist travel. The necessary travel, communications, housing facilities and supporting activities had been found adequate to accommodate vacationers at Dili, Ainaro, Covalima, Aileu, Ermera, Liquiça, Bobonaro and Ambeno. Indonesia's national transportation network included daily scheduled airline connections to East Timor. The Indonesian State-owned shipping company PELNI began serving Dili in May 1989. A passenger ship, MV Kelimuter, docked at Dili once a month. A ship, with a capacity of 1,904 passengers, regularly served the cities of Semarang, Ujungpangdang, Banjarmasin, Surabaja, Lembar, Bima, Waingapu, Kupang and Dili. 25/

40. According to the same source, 26/ on 11 December 1989 Indonesia and Australia signed a comprehensive agreement for a zone of co-operation for exploration and exploitation of offshore oil resources in Timor Gap. The agreement was to be implemented in 1990 following its ratification. See also the communications referred to in paragraphs 18 and 19 above.

Notes

1 World Population Prospects, 1988 (United Nations publication (ST/ESA/SER.A/106), Sales No. E.88.XIII.7), p. 354).

2/ For details, see corresponding sections of the previous working papers contained in documents A/AC.109/L.1328, A/AC.109/623, 663, 715, 747, 783, 836, 871, 919, 961 and 1001.

3/ See General Assembly resolutions 1699 (XVI), 1807 (XVII), 1913 (XVIII), 2107 (XX), 2184 (XXI), 2395 (XXIII), 2507 (XXIV), 2707 (XXV), 2795 (XXVI), 2918 (XXVII), 3113 (XXVIII), 3294 (XXIX), 3485 (XXX) and 31/53, relating to the question of Territories under Portuguese administration, including East Timor; see also Assembly resolutions 32/34, 33/39, 34/40, 35/27, 36/50 and 37/30 on the question of East Timor.

4/ See A/35/233, A/36/160, A/37/113, A/38/125, A/39/136, A/40/159, A/41/190, A/42/171, A/43/219, A/44/262 and A/45/172. Owing to a lack of official information from the administering Power, the information contained in the present paper has been derived from published reports.

5/ A/38/352, A/39/361, A/40/622, A/41/602, A/42/539 and A/43/588.

6/ A/44/529.

Notes (continued)

7/ General Assembly decisions 38/402, 39/402, 40/402, 42/402 and 43/402; and A/41/PV.3 and A/44/PV.3.

8/ Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 23 (A/38/23); ibid., Thirty-ninth Session, Supplement No. 23 (A/39/23); ibid., Fortieth Session, Supplement No. 23 (A/40/23); ibid., Forty-first Session, Supplement No. 23 (A/41/23); ibid., Forty-second Session, Supplement No. 23 (A/42/23); and ibid., Forty-third Session, Supplement No. 23 (A/43/23).

9/ See Official Records of the Economic and Social Council, 1983, Supplement No. 2 (E/1983/14-E/CN.4/1983/60).

10/ Ibid., 1985, Supplement No. 2 (E/1985/22-E/CN.4/1985/66), paras. 276 and 277.

11/ E/CN.4/Sub.2/1988/L.26 and press release HR/3361.

12/ Under the Indonesian Constitution, the People's Consultative Assembly is the highest organ of government.

13/ Permanent Mission of Indonesia to the United Nations, press release No. 05/PR/070787, 7 July 1987.

14/ Permanent Mission of Indonesia to the United Nations, press release No. 05/PR/070790, New York, 6 July 1990.

15/ United States Department of State, Country Reports on Human Rights Practices for 1989, Indonesia (United States Government Printing Office, Washington, February 1990), p. 849.

16/ The Washington Post, 10 October 1989 and 13 October 1989; The Christian Science Monitor, 11 October 1989; The New York Times, 13 October 1989.

17/ L'Osservatore Romano, 23 October 1989.

18/ The Washington Post, 10 October 1989.

19/ Republic of Indonesia, Foreign Affairs Directorate for Information, News and Views, vol. 2, No. 15, September 1989.

20/ Amnesty International, East Timor, Short-Term Detention and Ill-Treatment, January 1990 (Amnesty International index: ASA 21/02/90, DISTR.: SC/CO/GR).

21/ United States Department of State, Country Reports on Human Rights Practices for 1989, Indonesia (United States Government Printing Office, Washington, February 1990), pp. 849-866.

Notes (continued)

22/ Asia Watch, Human Rights in Indonesia and East Timor: An Update, February 1990.

23/ Permanent Mission of Indonesia to the United Nations, press releases Nos. 04/PR/022790 and 05/PR/070790.

24/ Republic of Indonesia, Foreign Affairs Directorate for Information, News and Views, Indonesia, vol. 3, No. 18, February-March 1990.

25/ Ibid., vol. 2, No. 12, June 1989.

26/ Ibid., vol. 2, No. 17, December 1989; see also A/45/57-S/21022 and A/45/60-S/21028.